
(2022) 04 UK CK 0008
In the Uttarakhand High Court
Case No : Writ Petition (S/S) No. 19 Of 2019

Mohan Singh Bisht

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 04-04-2022

Acts Referred:

Citation : (2022) 04 UK CK 0008

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : A.M. Saklani, Narayan Dutt, Mukesh Kaparuwan

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. According to the petitioner, he was appointed as 'Beldar' on daily wages in Garhwal Jal Sansthan w.e.f. 01.10.1987 and after State re-organisation, his services were regularized in Uttarakhand Jal Sansthan on 01.11.2003.

2. According to petitioner, juniors to him were promoted to the post of Junior Assistant, while his claim has been ignored only on the ground that petitioner had not produced certificate of having passed High School and Intermediate Examination.

3. Mr. A.M. Saklani, learned counsel appearing for the petitioner submits that petitioner has passed High School and Intermediate Examinations from U.P. Board and he also possesses Certificate in Computer from NIT. Thus, according to learned counsel, denial of promotion to the petitioner is unjust and uncalled for.

4. Petitioner has approached this Court seeking the following relief:-

“(i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to give the Pay Scale of Rs. 5200-20200 and Grade Pay of Rs. 2400

to the petitioner on the basis of recommendation of Screening Committee dated 16.10.2008 from 01.11.2013.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to give the Avartak Shulk to the petitioner as has been given to other employee of department.

(iii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to give the Sanhat Vetan to the petitioner as has been given to other employees of department from 1.11.201.

(iv) Issue a writ, order or direction in the nature of mandamus commanding the respondents to promote the petitioner on the Class III post as the petitioner is working in the said post from 1987.

(v) Issue a writ, order or direction in the nature of mandamus commanding the respondents to count the service of the petitioner rendered in the work charge establishment for the purpose of pensionary benefit.

5. Having considered the facts and circumstances of the case, this Court thinks that ends of justice would be met, if petitioner is permitted to make representation to the Competent Authority in Uttarakhand Jal Sansthan, who may take decision in the matter.

6. Accordingly, the writ petition is disposed of with liberty to the petitioner to make representation to the Competent Authority in Uttarakhand Jal Sansthan. He shall enclose therewith copy of all educational certificates. If such a representation is made by petitioner within three weeks, the Competent Authority shall look into the matter and take appropriate decision, as per law, within four months from the date of production of certified copy of this order along with representation.